

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**
Case No.: 3:08-cv-143

PORTALES PLACE PROPERTY, LLC,

Plaintiff,

v.

MARIO GUESS a/k/a JERRY DEMARIO
GUESS a/k/a J.D. GUESS a/k/a JERRY D.
GUESS, LIGNA ACQUISITION GROUP, LLC,
and THP ESCROW SERVICES CORP.,

Defendants.

**ORDER
FOR ATTORNEYS' FEES AND COSTS**

This matter is before the Court on the Motion of Plaintiff Portales Place Property, LLC ("Plaintiff") for an Order taxing Plaintiff's costs and reasonable attorneys' fees, against Defendants Mario Guess a/k/a Jerry Demario Guess a/k/a J.D. Guess a/k/a Jerry D. Guess ("Guess") and Ligna Acquisition Group, LLC ("Ligna"). This Court, having reviewed and considered all matters of record, finds and declares as follows:

1. Guess and Ligna willfully engaged in a fraudulent scheme to obtain money from Plaintiff which amounts to a violation of N.C. Gen. Stat. § 75-1.1;
2. Guess and Ligna's complete failure and refusal to participate in this litigation and blatant disregard for the orders of this Court amount to an unwarranted refusal to fully resolve the matters which constitute the basis of this suit; and
3. Based upon the time and labor expended, the skill required to perform the services rendered, the customary fees for like work, and the experience of Plaintiff's attorneys, the attorney's fees are reasonable.

It is therefore ORDERED and DECREED that an attorney fee in the amount of \$ 166,976.50 shall be taxed against Guess and Ligna pursuant to N.C. Gen. Stat. § 75-16.1 and costs in the amount of \$4230.83 shall be taxed against Guess and Ligna pursuant to 28 U.S.C. § 1920.

SO ORDERED.

Signed: March 9, 2009



Graham C. Mullen
United States District Judge

